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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,481

10/23/2003

Philip Berardi

62549/I388

1998

23363 7590 04/21/2009  
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/692,481	<b>Applicant(s)</b> BERARDI, PHILIP	
	<b>Examiner</b> Alfred Joseph Wujciak III	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39,41,52,54,80,82,84,85,87 and 89-95 is/are pending in the application.
- 4a) Of the above claim(s) 66-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39,41,52,54,80,82,84,85,87 and 89-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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This is the non-final Office Action for the serial number 10/692,481, MOUNT FOR STAGE APPARATUS, filed on 11/07/08.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 93 and 95 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 93 and 95, line 1, "the tube is a solid filled tube" is indefinite because specification or drawings do not show/explain the tube is being solid filled tube. Also how can a solid filled tube without opening therein support a shaft from the lamp (300) as shown in figure 4?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 85 and 90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 85 and 90, line 3, "a handle connected to the stem" is indefinite because handle is element # 152 which does not have any relationship with stem (124) according to specification. It should be changed to ---a knob connected to the stem--- for clarification.

***Claim Rejections - 35 USC § 103***

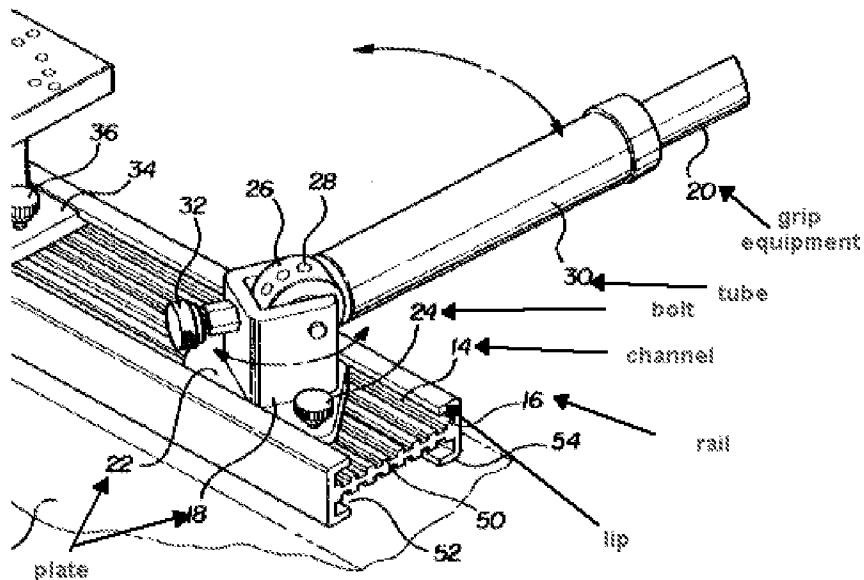
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 41, 80, 82, 84-85 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,591,541 to Cummings in view of US Patent # 5,199,836 to Gogarty.

Cummings teaches a system comprising a rail (16) having at least one channel (14) defining an opening extending along a length of the rail and at least one lip extending along the opening. The system includes a component comprising a first member (100) and a second member. The second member comprises a plate (18, 22) having at least one aperture, a tube (30) attached to the plate, a blot (24) having a first end and a second end. The first member is connected to the bolt at the first end. The tube is cylindrical and is permanently attached to the plate. The tube is hollow. The second component teaches knob.

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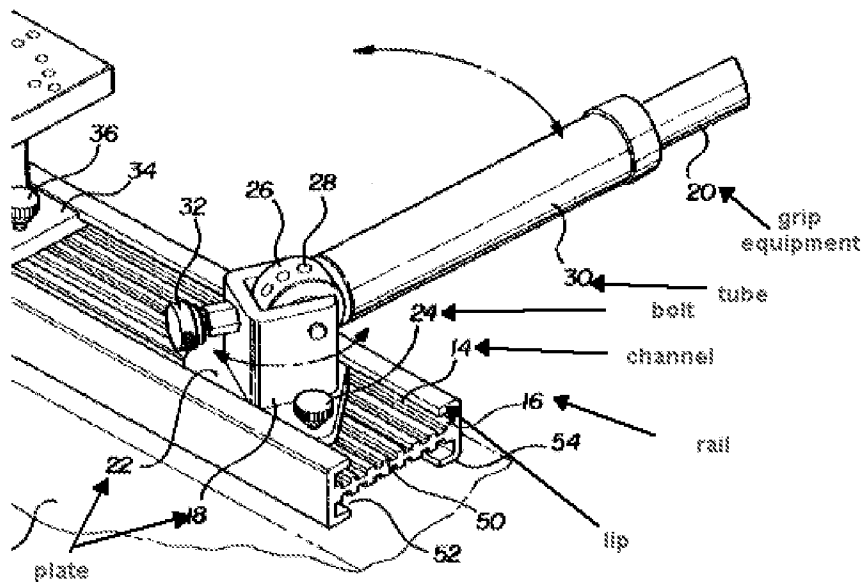


Cummings teaches the first and second members but fails to teach the first member is T-shaped head and moveable from a first position and second position and the second member comprises a stem. Furthermore, Cummings teaches the component but fails to teach the component comprises cam. Gogarty teaches the first member (12) is T-shaped head and second member comprises stem (102) attached to bolt (108). The first member is movable from first to second positions (see figures 6-8). Gogarty teaches the cam (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Cummings' first member to movable from first to second positions and second member comprises stem attached to bolt and have added cam to Cummings's component as taught by Gogarty to provide "a novel locking effect eliminating or minimizing accidental dislodgement from its locked position" (column 1, lines 34-38 in Gogarty's invention).

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Claims 52, 54, 87, 89-91 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings in view of Gogarty and in further view of US Patent # 5,099,597 to Whistle.

Cummings teaches a system comprising a rail (16) having at least one channel (14) defining an opening extending along a length of the rail and at least one lip extending along the opening. The system includes a component comprising a first member (100) and a second member. The second member comprises a plate (18, 22) having at least one aperture, a tube (30) attached to the plate, a blot (24) having a first end and a second end. The first member is connected to the bolt at the first end. The tube is cylindrical and is permanently attached to the plate. The tube is hollow. The second component teaches knob.



Cummings teaches the first and second members but fails to teach the first member is T-shaped head and moveable from a first position and second position and the second member

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comprises a stem. Furthermore, Cummings teaches the component but fails to teach the component comprises cam. Gogarty teaches the first member (12) is T-shaped head and second member comprises stem (102) attached to bolt (108). The first member is movable from first to second positions (see figures 6-8). Gogarty teaches the cam (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Cummings' first member to movable from first to second positions and second member comprises stem attached to bolt and have added cam to Cummings's component as taught by Gogarty to provide "a novel locking effect eliminating or minimizing accidental dislodgement from its locked position" (column 1, lines 34-38 in Gogarty's invention).

Cummings teaches the tube but fails to teach the tube is configured to releasably engage a net. Whistle teaches the net (14). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used net in Cummings's tube as taught by Whistle to provide a greater ease of handling and retrieving a fish (column 1, lines 12-13 in Whistle's invention).

### ***Response to Arguments***

Applicant's arguments with respect to claims 39, 41, 52, 54, 80, 82, 84-85, 87 and 89-95 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632  
4/15/09